



An  
Bord  
Pleanála

**Board Direction**  
**BD-008837-21**  
**ABP-309965-21**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 04/08/2021.

The Board decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

#### **Reasons and Considerations**

1. The Board are not satisfied that a comprehensive evaluation of the impact of the proposed development including the construction of a basement level and potential de-watering of the ponds in Gorse Hill has been provided. There are concerns that the proposed development would adversely impact on the hydrology and hydrogeology of the 4 no. ponds in the Gorse Hill area with potential negative consequences for smooth newt. It is also considered that the applicant has not adequately demonstrated that the proposed development, which includes a boardwalk through Fitzsimons Wood pNHA would be in accordance with the provisions of Policy LHB19: Protection of Natural Heritage and the Environment and Policy LHB22: Designated Sites of the development plan to protect and preserve areas designated as proposed Natural Heritage Areas. The proposed development is, therefore, contrary to the proper planning and sustainable development of the area.
2. It is considered that the proposed development by virtue of the scale, bulk and design of the blocks, the poor quality open space provision, undue



overshadowing of the adjacent Whinsfield residential development and poor quality elevational treatments, that the proposed development would result in a substandard form of development that fails to integrate with the surrounding area and would, therefore, be contrary to the provisions of the Urban Design Manual – a Best Practice Guide, and to Policy UD6: Building Height Strategy, Policy RES 3 Residential Density and Section 8.3.2 Transitional Zonal Areas of the Dun Laoghaire Rathdown Development Plan 2016 – 2022. The proposed development is, therefore, contrary to the proper planning and sustainable development of the area.

3. The proposed development materially contravenes Policy UD6: Building Height Strategy, therefore, would not be in accordance with section 8(1)(a)(iv)(II) of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended, which is required to be included in the public notice at application stage, therefore, the Board is precluded from granting permission for the proposed development.

**Board Member**

  
Michelle Fagan

**Date:** 04/08/2021